

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 137

HOUSE BILL 2428

AN ACT

AMENDING SECTIONS 12-284 AND 12-284.03, ARIZONA REVISED STATUTES; AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 15; AMENDING SECTIONS 28-3165 AND 28-3166, ARIZONA REVISED STATUTES; RELATING TO THE EMANCIPATION OF MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-284, Arizona Revised Statutes, is amended to read:

12-284. Fees

A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
A	Initial case filing fee	
	Tax case	\$115.00
	Filing complaint or petition	115.00
	Filing intervenor	115.00
	Additional plaintiffs	115.00
	Filing foreign judgment	115.00
	Ownership of real property becomes an issue plaintiff	115.00
	Appellant	
	(except under sections 12-1809 and 13-3602)	115.00
	Change of venue to this county	115.00
	Petition for change of name	115.00
	Filing a process server application	115.00
B	Subsequent case filing fee	
	Filing answer or initial appearance	\$ 61.00
	Additional defendants	61.00
	Notice of appeal to appellate courts	
	(except under section 12-2107)	61.00
	Cross-appeal by appellee (except under section 12-2107)	61.00
	Ownership of real property becomes an issue defendant	61.00
	Jurisdiction exceeded appellee	
	(within 20 days of filing)	61.00
	Response to show cause which THAT does one or more of the following:	
	1. Request REQUESTS affirmative RELIEF or counterrelief	
	2. Attacks THE SUFFICIENCY OF process of OR THE proceedings	
	3. Takes other affirmative action	61.00
C	Initial case filing fee	
	Filing petition for annulment	\$ 91.00
	Filing for dissolution/legal separation petition	91.00
	Petition in formal testacy or appointment proceeding	91.00
	Application for informal probate or informal appointment	91.00
	Petition for supervised administration petition to appoint guardian	91.00

1	Petition to appoint conservator or make other	
2	protective order	91.00
3	Opposing petition in testacy or appointment	
4	proceedings or appointment of guardian or	
5	conservator	91.00
6	Single estate application or petition under	
7	title 14, chapter 3, section 14-3938	91.00
8	Domestic relations case for which a fee is not	
9	specifically prescribed	91.00
10	D Subsequent case filing fee	
11	Filing answer to annulment	\$ 46.00
12	Filing for dissolution/legal separation answer	46.00
13	Any person opposing contested petition if no	
14	prior payment made	46.00
15	Postadjudication petitions in	
16	domestic relations cases	46.00
17	Postjudgment activities in probate cases	46.00
18	E Minimum clerk fee	
19	Filing power of attorney	\$ 18.00
20	Change of venue to another county transmittal	
21	fee	18.00
22	Change of venue to another county on PURSUANT TO	
23	section 12-404, — transmittal fee	18.00
24	Filing transcript and docketing judgment from	
25	any courts	18.00
26	Issuance of writs of: attachment, execution,	
27	possession, restitution, prohibition and	
28	enforcement of order of judgment-garnishment	18.00
29	Certified copy or abstract of marriage	
30	application or license	18.00
31	Filing oath and bond of notary public	18.00
32	Certificate of correctness of copy of record	18.00
33	Justice of peace certificate	18.00
34	Notary public certificate	18.00
35	Each certificate of clerk to any matter in	
36	clerk's record not specifically provided	18.00
37	Filing any paper or performing any act for which	
38	a fee is not specifically prescribed	18.00
39	Subpoena - (civil)	18.00
40	Research in locating a document (per year or	
41	source researched)	18.00
42	Exemplification (per certification)	18.00
43	Authentication (per certification)	18.00
44	Seal a court file	18.00
45	Reopen a sealed court file	18.00

1	Retrieve bank records	18.00
2	Reel of film alpha index per year (plus per page	
3	fee below)	18.00
4	Payment history report	18.00
5	Certification under one document certification	18.00
6	Civil traffic appeal	18.00
7	F Per page fee	
8	Making copies (on appeal and on request)	
9	per page	\$.50
10	Making extra copies per page	.50
11	Making photographic or photostatic copies	
12	per page	.50
13	Comparison fee of papers furnished by applicant	
14	per page	.50
15	Alpha index per page	.50
16	G Special fees	
17	Small claim tax case	\$ 15.00
18	Marriage license and return hereof OF A	
19	MARRIAGE LICENSE	50.00
20	Postage and handling	5.00
21	Notary services	5.00
22	Stop payment on check	10.00
23	B. The clerk of the superior court shall receive the fees prescribed	
24	in subsection A of this section for the following services:	
25	1. Making copies of papers and records required to be made by the	
26	clerk on appeal, and copies of papers and records in the clerk's office made	
27	on request in other cases, for each legal size page of original.	
28	2. Making extra copies of the papers and records mentioned in	
29	paragraph 1 of this subsection, required or requested for each page of copy	
30	of such papers and records.	
31	3. In a clerk's office, in which a photographic or photostatic method	
32	of recording is used or is available for use in cooperation with other public	
33	offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection	
34	for each page of copy or fraction of a page of copy. Portions of several	
35	pages of records may be combined in one page of copy. The clerk may prepare	
36	an abstract of marriage in lieu of a reproduction of the recorded marriage	
37	license. The fee shall apply to matters whether recorded in such office by	
38	longhand, typing, electronic, photographic or photostatic methods. The fees	
39	for copies are exclusive of the fees for certification or authentication.	
40	4. Issuing a certificate as to official capacity of a notary public or	
41	justice of the peace and affixing a seal thereto TO THE CERTIFICATE.	
42	5. Each subpoena issued in a civil proceeding or filing any paper or	
43	performing any act for which a fee is not specifically prescribed by law, but	
44	the clerk shall not charge for the clerk's services in administering the oath	
45	in connection with any affidavit, petition, letters or other pleading or	

1 document which, after administration of the oath therefor, is promptly filed
2 by the clerk and becomes a part of a case or matter of record in the office
3 of the clerk.

4 C. In addition to the fees required by subsection A of this section,
5 the clerk shall charge and collect a surcharge of fifteen dollars for each
6 filing of a postadjudication petition in a domestic relations case for which
7 a fee presently is charged under class D in subsection A of this
8 section. The surcharge shall be used exclusively to fund domestic relations
9 education and mediation programs established pursuant to section
10 25-413. Each month the clerk shall transmit the monies the clerk collects
11 pursuant to this subsection to the county treasurer for deposit in the
12 domestic relations education and mediation fund established by section
13 25-413.

14 D. Excluding the monies that are collected pursuant to subsection C of
15 this section, each month the clerk shall transmit seventy-five per cent of
16 the monies collected for subsequent case filing fees for postadjudication
17 petitions in domestic relations cases under class D in subsection A of this
18 section to the county treasurer for deposit in the expedited child support
19 and parenting time fund established pursuant to section 25-412. The
20 remaining twenty-five per cent of the monies collected pursuant to this
21 subsection shall be distributed pursuant to section 12-284.03.

22 E. At the commencement of each action for annulment, dissolution of
23 marriage, legal separation, maternity or paternity, the petitioner shall pay
24 to the clerk of the court the initial case filing fee for the action provided
25 in subsection A of this section. At the time of filing a response, the
26 respondent shall pay to the clerk of the court the subsequent case filing fee
27 for the action provided in subsection A of this section. In each county
28 where the superior court has established a conciliation court, the petitioner
29 and respondent shall each pay to the clerk a sixty-five dollar fee. The
30 monies from the additional fee shall be used to carry out the purposes of the
31 conciliation court pursuant to title 25, chapter 3, article 7.

32 F. In garnishment matters:

33 1. A fee shall not be charged for filing an affidavit seeking only the
34 release of exempt wages.

35 2. A fee shall not be charged for filing a garnishee's answer, for
36 filing a judgment against the garnishee or for the issuance or return of
37 process incident to such a judgment.

38 3. For any contest relating to or any controversion of a garnishment
39 matter, unless the contesting party has paid an appearance fee in that cause,
40 the required appearance fee shall be paid, except that the garnishee shall
41 not pay a clerk's fee.

42 G. A person who is cited to appear and defend an order to show cause
43 shall not be charged an appearance fee. The person may stipulate to or
44 consent to the entry of an order without the payment of an appearance

1 fee. An appearance fee shall be paid if the person is present in person or
2 by an attorney and does one or more of the following:

- 3 1. Requests affirmative relief or counterrelief.
- 4 2. Attacks the sufficiency of process or the proceedings.
- 5 3. Takes other affirmative action.

6 H. A petitioner shall not be charged a fee for requesting an order of
7 protection pursuant to section 13-3602 or an injunction against harassment
8 pursuant to section 12-1809. A defendant shall not be charged an answer fee
9 in an order of protection action if the defendant requests a hearing pursuant
10 to section 13-3602, subsection I or in an injunction against harassment
11 action if the defendant requests a hearing pursuant to section 12-1809,
12 subsection H.

13 I. A person who files a registrar's order pursuant to section
14 32-1166.06 shall not be charged a fee.

15 J. THE CLERK OF THE COURT SHALL CHARGE AND COLLECT A FORTY-SIX DOLLAR
16 FILING FEE FOR A PETITION FOR EMANCIPATION OF A MINOR FILED PURSUANT TO
17 CHAPTER 15 OF THIS TITLE. EACH MONTH THE CLERK SHALL TRANSMIT THE MONIES THE
18 CLERK COLLECTS PURSUANT TO THIS SUBSECTION TO THE COUNTY TREASURER FOR
19 DEPOSIT IN THE EMANCIPATION ADMINISTRATIVE COSTS FUND ESTABLISHED BY SECTION
20 12-2456.

21 ~~J.~~ K. Except for monies that are collected pursuant to subsections C,
22 D, ~~and~~ E AND J of this section, the clerk of the superior court shall
23 transmit monthly to the county treasurer all monies collected pursuant to
24 this section for distribution or deposit pursuant to section 12-284.03.

25 Sec. 2. Section 12-284.03, Arizona Revised Statutes, is amended to
26 read:

27 12-284.03. Distribution of fees

28 A. Excluding the monies that are kept by the court pursuant to
29 subsection B of this section, the county treasurer shall transmit, distribute
30 or deposit all monies received from the clerk of the superior court pursuant
31 to section 12-284, subsection ~~J~~ K as follows:

32 1. 1.31 per cent to the state treasurer for deposit in the drug and
33 gang enforcement account established by section 41-2402 for the purposes of
34 section 41-2402, subsection H.

35 2. 8.87 per cent to the state treasurer for deposit in the domestic
36 violence shelter fund established by section 36-3002.

37 3. 1.93 per cent to the state treasurer for deposit in the child abuse
38 prevention fund established by section 8-550.01.

39 4. In the county law library fund established ~~pursuant to~~ BY section
40 12-305, either:

41 (a) 7.62 per cent if the county treasurer is serving in a county with
42 a population of more than five hundred thousand persons according to the most
43 recent United States decennial census.

(b) 15.30 per cent if the county treasurer is serving in a county with a population of five hundred thousand persons or less according to the most recent United States decennial census.

5. 0.35 per cent to the state treasurer for deposit in the alternative dispute resolution fund established by section 12-135.

6. To the elected officials' retirement plan fund established by section 38-802, either of the following percentages, which shall be distributed to the fund pursuant to section 38-810:

(a) 23.79 per cent if the county treasurer is serving in a county with a population of more than five hundred thousand persons according to the most recent United States decennial census.

(b) 15.30 per cent if the county treasurer is serving in a county with a population of five hundred thousand persons or less according to the most recent United States decennial census.

7. 17.07 per cent to the state treasurer for deposit in the judicial collection enhancement fund established by section 12-113.

8. 0.26 per cent to the state treasurer for deposit in the confidential intermediary and fiduciary fund established by section 8-135.

9. In the county general fund, the following percentages:

(a) 31.29 per cent if the county treasurer is serving in a county with a population of more than five hundred thousand persons according to the most recent United States decennial census.

(b) 32.10 per cent if the county treasurer is serving in a county with a population of five hundred thousand persons or less according to the most recent United States decennial census.

B. 7.51 per cent of the monies transmitted, distributed or deposited pursuant to subsection A of this section shall be kept and used by the court collecting the fees in the same manner as the seven dollars of the time payment fee prescribed by section 12-116, subsection B.

Sec. 3. Title 12, Arizona Revised Statutes, is amended by adding chapter 15, to read:

CHAPTER 15

EMANCIPATION OF MINORS

ARTICLE 1. GENERAL PROVISIONS

12-2451. Petition for emancipation order; requirements; notification; representation; waiver of filing fees

A. A MINOR WHO WISHES TO BE EMANCIPATED MAY FILE A PETITION FOR AN EMANCIPATION ORDER WITH THE CLERK OF THE COURT IN THE COUNTY IN WHICH THE MINOR RESIDES IF ALL OF THE FOLLOWING APPLY:

1. THE MINOR IS AT LEAST SIXTEEN YEARS OF AGE.

2. THE MINOR IS A RESIDENT OF THIS STATE.

3. THE MINOR IS FINANCIALLY SELF-SUFFICIENT.

4. THE MINOR ACKNOWLEDGES IN WRITING THAT THE MINOR HAS READ AND UNDERSTANDS INFORMATION THAT IS PROVIDED BY THE COURT AND THAT EXPLAINS THE

1 RIGHTS AND OBLIGATIONS OF AN EMANCIPATED MINOR AND THE POTENTIAL RISKS AND
2 CONSEQUENCES OF EMANCIPATION.

3 5. THE MINOR IS NOT A WARD OF THE COURT AND IS NOT IN THE CARE,
4 CUSTODY AND CONTROL OF A STATE AGENCY.

5 B. A PETITION FILED PURSUANT TO THIS SECTION MUST CONTAIN THE
6 FOLLOWING:

7 1. THE PETITIONER'S NAME, MAILING ADDRESS, SOCIAL SECURITY NUMBER AND
8 DATE OF BIRTH.

9 2. THE NAME AND MAILING ADDRESS OF THE PETITIONER'S PARENT OR LEGAL
10 GUARDIAN IF KNOWN.

11 3. SPECIFIC FACTS TO SUPPORT THE PETITION, INCLUDING:

12 (a) THE MINOR'S DEMONSTRATED ABILITY TO MANAGE THE MINOR'S FINANCIAL
13 AFFAIRS INCLUDING PROOF OF EMPLOYMENT OR OTHER MEANS OF SUPPORT.

14 (b) THE MINOR'S DEMONSTRATED ABILITY TO MANAGE THE MINOR'S PERSONAL
15 AND SOCIAL AFFAIRS, INCLUDING PROOF OF HOUSING.

16 (c) THE MINOR'S DEMONSTRATED ABILITY TO LIVE WHOLLY INDEPENDENT OF THE
17 MINOR'S PARENT.

18 (d) THE MINOR'S DEMONSTRATED ABILITY AND COMMITMENT TO OBTAIN OR
19 MAINTAIN EDUCATION, VOCATIONAL TRAINING OR EMPLOYMENT.

20 (e) HOW THE MINOR WILL OBTAIN OR MAINTAIN HEALTH CARE.

21 (f) ANY OTHER INFORMATION CONSIDERED NECESSARY TO SUPPORT THE
22 PETITION.

23 (g) AT LEAST ONE OF THE FOLLOWING:

24 (i) DOCUMENTATION THAT THE MINOR HAS BEEN LIVING ON THE MINOR'S OWN
25 FOR AT LEAST THREE CONSECUTIVE MONTHS.

26 (ii) A STATEMENT EXPLAINING WHY THE MINOR BELIEVES THE HOME OF THE
27 MINOR'S PARENT OR LEGAL GUARDIAN IS NOT A HEALTHY OR SAFE ENVIRONMENT.

28 (iii) A NOTARIZED STATEMENT THAT CONTAINS WRITTEN CONSENT TO THE
29 EMANCIPATION AND AN EXPLANATION BY THE MINOR'S PARENT OR LEGAL GUARDIAN.

30 C. THE COURT SHALL HOLD A HEARING ON THE PETITION WITHIN NINETY DAYS
31 AFTER THE DATE OF ITS FILING AND SHALL NOTIFY THE PETITIONER AND THE
32 PETITIONER'S PARENT OR LEGAL GUARDIAN OF THE DATE AND PLACE OF THE HEARING BY
33 CERTIFIED MAIL AT LEAST SIXTY DAYS BEFORE THE HEARING DATE. FOR GOOD CAUSE
34 SHOWN, THE COURT MAY CONTINUE THE INITIAL EMANCIPATION HEARING.

35 D. THE MINOR'S PARENT OR LEGAL GUARDIAN MAY FILE A WRITTEN RESPONSE
36 OBJECTING TO THE EMANCIPATION WITHIN THIRTY DAYS OF SERVICE OF THE NOTICE OF
37 THE HEARING.

38 E. THE MINOR MAY PARTICIPATE IN THE COURT PROCEEDINGS ON THE MINOR'S
39 OWN BEHALF OR BE REPRESENTED BY AN ATTORNEY CHOSEN BY THE MINOR. IF THE
40 COURT DETERMINES IT NECESSARY, THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR
41 THE PETITIONER.

42 F. THE COURT MAY REDUCE OR WAIVE THE FEE PRESCRIBED IN SECTION 12-284
43 FOR FILING A PETITION FOR EMANCIPATION OF A MINOR FOR FINANCIAL HARDSHIP.

1 12-2452. Additional court orders

2 A. BEFORE AN EMANCIPATION CASE PROCEEDS, THE COURT MAY STAY THE
3 PROCEEDINGS AND:

4 1. REFER THE PARTIES TO MEDIATION.

5 2. IF THE COURT REASONABLY BELIEVES THAT THE PETITION CONTAINS AN
6 ALLEGATION OF CHILD ABUSE OR NEGLECT, REQUIRE CHILD PROTECTIVE SERVICES TO
7 INVESTIGATE THE ALLEGATION AND MAKE A WRITTEN REPORT OF THE INVESTIGATION TO
8 THE COURT.

9 B. IF THE MINOR'S PARENT OR LEGAL GUARDIAN OBJECTS TO THE PETITION FOR
10 EMANCIPATION, THE COURT SHALL STAY THE PROCEEDING AND REFER THE PARTIES TO
11 MEDIATION OR ALTERNATIVE DISPUTE RESOLUTION UNLESS THE COURT REASONABLY
12 BELIEVES THAT MEDIATION WOULD NOT BE IN THE BEST INTEREST OF THE MINOR. THE
13 COURT MAY CONSIDER ANY OF THE FOLLOWING:

14 1. THE MINOR'S PARENT OR LEGAL GUARDIAN HAS BEEN CONVICTED OF ABUSE,
15 NEGLECT OR ABANDONMENT.

16 2. THE MINOR'S PARENT OR LEGAL GUARDIAN IS NAMED AS A PERPETRATOR OF
17 ABUSE, NEGLECT OR ABANDONMENT IN THE PROTECTIVE SERVICES CENTRAL REGISTRY
18 PURSUANT TO SECTION 8-804.

19 3. ANY OTHER INFORMATION THE COURT DEEMS RELEVANT.

20 C. IF AGREEMENT IS REACHED THROUGH MEDIATION, THE PARTIES SHALL SUBMIT
21 THE SIGNED MEDIATION AGREEMENT TO THE COURT.

22 12-2453. Factors; best interests of minor

23 A. THE COURT SHALL DETERMINE EMANCIPATION BASED ON THE BEST INTERESTS
24 OF THE MINOR AND SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING:

25 1. THE POTENTIAL RISKS AND CONSEQUENCES OF EMANCIPATION AND TO WHAT
26 DEGREE THE MINOR UNDERSTANDS THESE RISKS AND CONSEQUENCES.

27 2. THE WISHES OF THE MINOR.

28 3. THE OPINIONS AND RECOMMENDATIONS OF THE MINOR'S PARENT OR GUARDIAN.

29 4. THE FINANCIAL RESOURCES OF THE MINOR, INCLUDING THE MINOR'S
30 EMPLOYMENT HISTORY.

31 5. THE MINOR'S ABILITY TO BE FINANCIALLY SELF-SUFFICIENT.

32 6. THE MINOR'S LEVEL OF EDUCATION AND THE MINOR'S SUCCESS IN SCHOOL.

33 7. WHETHER THE MINOR HAS A CRIMINAL RECORD.

34 B. THE MINOR HAS THE BURDEN OF PROOF BY CLEAR AND CONVINCING EVIDENCE.

35 C. THE COURT SHALL FILE AN EMANCIPATION ORDER WITH THE CLERK OF THE
36 COURT AND ISSUE A COPY OF THE ORDER TO THE MINOR AND THE DEPARTMENT OF
37 ECONOMIC SECURITY OR ITS AGENT, IF THE MINOR IS A CHILD IN A TITLE IV-D CASE.

38 D. AN EMANCIPATION ORDER ISSUED BY A COURT PURSUANT TO THIS ARTICLE:

39 1. IS CONCLUSIVE EVIDENCE THAT THE MINOR IS EMANCIPATED.

40 2. TERMINATES A DEPENDENCY ACTION AS TO THE MINOR BY OPERATION OF LAW.

41 12-2454. Effect of emancipation

42 A. AN EMANCIPATION ORDER ISSUED PURSUANT TO THIS ARTICLE RECOGNIZES
43 THE MINOR AS AN ADULT FOR THE FOLLOWING PURPOSES:

- 1 1. THE RIGHT TO ENTER INTO A BINDING CONTRACT.
- 2 2. THE ABILITY TO SUE AND BE SUED.
- 3 3. THE RIGHT TO BUY AND SELL REAL PROPERTY.
- 4 4. THE RIGHT TO ESTABLISH A LEGAL RESIDENCE.
- 5 5. THE OBLIGATION TO PAY CHILD SUPPORT.
- 6 6. THE RIGHT TO INCUR DEBTS.
- 7 7. THE RIGHT TO ACCESS MEDICAL TREATMENT AND RECORDS.
- 8 8. THE RIGHT TO CONSENT TO MEDICAL, DENTAL AND PSYCHIATRIC CARE
- 9 WITHOUT PARENTAL CONSENT, KNOWLEDGE OR LIABILITY.
- 10 9. THE RIGHT TO CONSENT TO MEDICAL, DENTAL AND PSYCHIATRIC CARE FOR
- 11 THE EMANCIPATED MINOR'S CHILD.
- 12 10. ELIGIBILITY FOR SOCIAL SERVICES.
- 13 11. THE RIGHT TO OBTAIN A LICENSE TO OPERATE EQUIPMENT OR PERFORM A
- 14 SERVICE.
- 15 12. THE RIGHT TO APPLY FOR ENROLLMENT IN ANY SCHOOL OR COLLEGE.
- 16 13. THE ABILITY TO APPLY FOR LOANS.
- 17 B. AN EMANCIPATION ORDER ISSUED PURSUANT TO THIS ARTICLE TERMINATES A
- 18 PARENT'S OR LEGAL GUARDIAN'S:
- 19 1. RIGHT TO THE EMANCIPATED MINOR'S INCOME.
- 20 2. FUTURE CHILD SUPPORT OBLIGATIONS RELATING TO THE EMANCIPATED MINOR.
- 21 3. TORT LIABILITY FOR THE EMANCIPATED MINOR'S ACTIONS.
- 22 4. OBLIGATION TO FINANCIALLY SUPPORT THE EMANCIPATED MINOR AFTER THE
- 23 FIRST DAY OF THE MONTH FOLLOWING ENTRY OF THIS ORDER.
- 24 5. OBLIGATION TO PROVIDE MEDICAL SUPPORT FOR THE EMANCIPATED MINOR.
- 25 12-2455. Recognition of emancipation from another jurisdiction
- 26 THIS STATE SHALL RECOGNIZE A MINOR AS AN EMANCIPATED MINOR IF THAT
- 27 MINOR CAN DOCUMENT EMANCIPATION FROM ANOTHER JURISDICTION OF THE UNITED
- 28 STATES AND IS AT LEAST SIXTEEN YEARS OF AGE.
- 29 12-2456. Emancipation administrative costs fund; purpose;
- 30 report; collection of information
- 31 A. EACH COUNTY TREASURER SHALL ESTABLISH AN EMANCIPATION
- 32 ADMINISTRATIVE COSTS FUND CONSISTING OF MONIES RECEIVED PURSUANT TO SECTION
- 33 12-284, SUBSECTION J.
- 34 B. THE PRESIDING JUDGE OF THE JUVENILE COURT SHALL USE FUND MONIES FOR
- 35 ADMINISTRATIVE COSTS ASSOCIATED WITH THIS ARTICLE.
- 36 C. ON NOTICE OF THE PRESIDING JUDGE, THE COUNTY TREASURER SHALL INVEST
- 37 MONIES IN THE FUND AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE
- 38 FUND.
- 39 D. ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE COUNTY TREASURER SHALL
- 40 SUBMIT A REPORT TO THE PRESIDING JUDGE THAT SHOWS THE AMOUNT OF MONIES IN THE
- 41 FUND.

1 E. BEGINNING OCTOBER 1, 2005, THE ADMINISTRATIVE OFFICE OF THE COURTS
2 SHALL COLLECT INFORMATION RELATING TO EMANCIPATION OF MINORS PURSUANT TO THIS
3 TITLE, INCLUDING THE FOLLOWING:

4 1. THE NUMBER OF PETITIONS FILED, BY AGE AND COUNTY OF RESIDENCE.

5 2. THE NUMBER OF PETITIONS GRANTED, BY AGE AND COUNTY OF RESIDENCE.

6 F. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL INCLUDE THE
7 INFORMATION COLLECTED PURSUANT TO SUBSECTION E OF THIS SECTION IN THE ANNUAL
8 REPORT OF THE JUDICIAL DEPARTMENT.

9 Sec. 4. Section 28-3165, Arizona Revised Statutes, is amended to read:

10 28-3165. Nonoperating identification license; immunity; rules;
11 emancipated minors

12 A. On receipt of an application from a person who does not have a
13 valid driver license issued by this state or whose driving privilege is
14 suspended, the department shall issue a nonoperating identification license
15 that contains a distinguishing number assigned to the licensee, the full
16 legal name, the date of birth, the residence address and a brief description
17 of the licensee and either a facsimile of the signature of the licensee or a
18 space on which the licensee is required to write the licensee's usual
19 signature with pen and ink. A nonoperating identification license that is
20 issued to a person whose driving privilege is suspended shall not be valid
21 for more than one hundred eighty days from the date of issuance.

22 B. On request of an applicant, the department shall allow the
23 applicant to provide on the nonoperating identification license a post office
24 box address that is regularly used by the applicant.

25 C. A person who is issued a license pursuant to this section shall use
26 it only for identification purposes of the licensee. The nonoperating
27 identification license does not grant authority to operate a motor vehicle in
28 this state. The department shall clearly label the nonoperating
29 identification license "for identification only, not for operation of a motor
30 vehicle".

31 D. On issuance of a driver license, the holder of a nonoperating
32 identification license shall surrender the nonoperating identification
33 license to the department and the department shall not refund any fee paid
34 for the issuance of the nonoperating identification license.

35 E. A nonoperating identification license shall contain the photograph
36 of the licensee. The department shall use a process in the issuance of
37 nonoperating identification licenses that prohibits as nearly as possible the
38 ability to superimpose a photograph on the license without ready detection.
39 The department shall process nonoperating identification licenses and photo
40 attachments in color.

41 F. On application, an applicant shall give the department satisfactory
42 proof of the applicant's full legal name, date of birth, sex and residence
43 address and that the applicant's presence in the United States is authorized
44 under federal law. The application shall briefly describe the applicant,
45 state whether the applicant has been licensed, and if so, the type of license

1 issued, when and by what state or country and whether any such license is
2 under suspension, revocation or cancellation. The application shall contain
3 other identifying information required by the department.

4 G. The department may adopt and implement procedures to deny a
5 nonoperating identification license to a person who has been deported. The
6 department may adopt and implement procedures to reinstate a person's
7 privilege to apply for a nonoperating identification license if the person's
8 legal presence status is restored.

9 H. A nonoperating identification license issued by the department is
10 solely for the use and convenience of the applicant for identification
11 purposes.

12 I. The department shall adopt rules and establish fees for issuance of
13 a nonoperating identification license, except that the department shall not
14 require an examination.

15 J. A person who is sixty-five years of age or older and a person who
16 is a recipient of public monies as a disabled individual under title XVI of
17 the social security act, as amended, are exempt from the fees established
18 pursuant to this section.

19 K. If a person qualifies for a nonoperating identification license and
20 is under the legal drinking age, the department shall issue a license that is
21 marked by color, code or design to immediately distinguish it from a
22 nonoperating identification license issued to a person of legal drinking age.
23 The department shall indicate on the nonoperating identification license
24 issued pursuant to this subsection the year in which the person will attain
25 the legal drinking age.

26 L. IF A MINOR HAS BEEN EMANCIPATED PURSUANT TO TITLE 12, CHAPTER 15,
27 ON APPLICATION AND PROOF OF EMANCIPATION, THE DEPARTMENT SHALL ISSUE A
28 NONOPERATING IDENTIFICATION LICENSE THAT CONTAINS THE WORDS "EMANCIPATED
29 MINOR".

30 Sec. 5. Section 28-3166, Arizona Revised Statutes, is amended to read:

31 28-3166. Driver license content and application; marked
32 licenses; emancipated minors

33 A. The department shall issue a driver license to a qualified
34 applicant. The driver license shall contain a distinguishing number assigned
35 to the licensee, the license class, any endorsements, the licensee's full
36 name, date of birth and residence address, a brief description of the
37 licensee and either a facsimile of the signature of the licensee or a space
38 on which the licensee is required to write the licensee's usual signature
39 with pen and ink. A driver license is not valid until it is signed by the
40 licensee. On request of an applicant, the department shall allow the
41 applicant to provide on the driver license a post office box address that is
42 regularly used by the applicant and that is located in the county in which
43 the applicant resides.

44 B. An application for a driver license and the driver license issued
45 shall contain the photo image of the applicant or licensee. The department

1 shall use a process in the issuance of driver licenses that prohibits as
2 nearly as possible the ability to alter or reproduce the license or that
3 prohibits the ability to superimpose a photo image on the license without
4 ready detection. The department shall process driver licenses and photo
5 images in color. This subsection does not apply to a driver license that is
6 renewed by mail pursuant to section 28-3172.

7 C. An applicant who is sixteen or older but under twenty-four years of
8 age shall provide the department with satisfactory proof of the applicant's
9 legal name and date of birth.

10 D. If a person is qualified for a driver license and is under the
11 legal drinking age, the department shall issue a license that is marked by
12 color, code or design to immediately distinguish it from a license issued to
13 a person of legal drinking age. The department shall indicate on the driver
14 license issued pursuant to this subsection the year in which the person will
15 attain the legal drinking age.

16 E. The department shall not include information in the magnetic stripe
17 and bar code of a driver license other than information that the department
18 is authorized to obtain and place on a driver license pursuant to this
19 article.

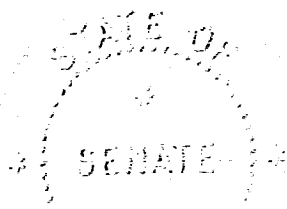
20 F. IF A MINOR HAS BEEN EMANCIPATED PURSUANT TO TITLE 12, CHAPTER 15,
21 ON APPLICATION AND PROOF OF EMANCIPATION, THE DEPARTMENT SHALL ISSUE A DRIVER
22 LICENSE THAT CONTAINS THE WORDS "EMANCIPATED MINOR".

23 Sec. 6. Petitions for emancipation orders; statistics; report

24 For the period October 1, 2005 through September 30, 2007, the
25 administrative office of the courts shall collect and report the number and
26 percentage of petitions granted by categories pursuant to section 12-2451,
27 subsection B, paragraph 3, subdivision (g), Arizona Revised Statutes, as
28 added by this act, in the judicial department annual report.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.



Passed the House March 7, 2005,

by the following vote: 39 Ayes,

15 Nays, 6 Not Voting

[Signature]
Speaker of the House

Speman L. Moore
Chief Clerk of the House

Passed the Senate April 6, 2005,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

Charmian Bullington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

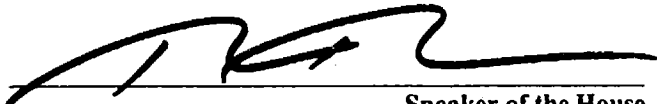
H.B. 2428

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 12, 2005,

by the following vote: 49 Ayes,

10 Nays, 1 Not Voting


Speaker of the House
Pro Tempore
Norman L. Fyfe
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2005

at 12:00 o'clock P M.

Jennifer Upbarra
Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1st o'clock P M.

Jon R. Norwalk
Governor of Arizona

H.B. 2428

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 4:42 o'clock P M.

Janice K. Brewer
Secretary of State